

Serial No.: 09/721,871  
 Inventor(s): Higgins et al.

U.S. PTO Customer No. 25280  
 Case No.: 5113

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Higgins et al.

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APR 21 2006**

Serial Number: 09/721,871

Filed: November 24, 2000

For: **CUSHIONED CARPET, CARPET TILE, AND METHOD**

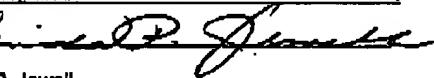
Group Art Unit: 1771

Examiner: Juska, Cheryl Ann

Mail Stop Petition  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

**Certificate of Mailing Under 37 CFR § 1.8**  
 I hereby certify that this correspondence, and all correspondence referenced herein as being enclosed with this correspondence, is being sent by facsimile to the Commissioner for Patents at 571-273-8300 on the following:

Date: April 21, 2006

Signature:   
 Name: Linda P. Jewell

Sir:

### **Petition to Revive Abandoned U.S. Patent Application Under 37 C.F.R. §1.137(b)**

The above-referenced U.S. Patent Application, filed on November 24, 2000, became abandoned for failure to timely respond to the United States Patent and Trademark Office Action dated October 19, 2005. A request for Continued Examination (RCE) was filed on February 21, 2006, along with an Information Disclosure Statement but the RCE was deemed improper. Applicant intended to file a proper RCE.

Applicant hereby petitions for revival of the Application and acceptance of the enclosed late Response (Notice of Appeal), in view of the fact that failure to timely respond to the Office Action was unintentional.

Please deduct the fee of \$1,500 from Deposit Account 04-0500 to cover the Petition fee under 37 CFR 1.17(m). Since this utility application was filed after June 8, 1995, no terminal disclaimer is required. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional and without deceptive intent.

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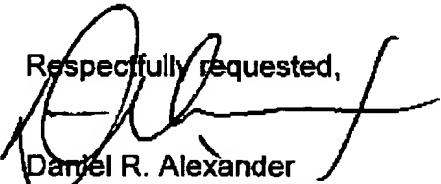
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Further, Applicant respectfully requests a Refund of the RCE fee as Applicants' RCE filed on February 21, 2006 was deemed to be improper.

Favorable consideration of this Petition to revive U.S. Patent Application Serial No. 09/721,871 is hereby earnestly requested. If any additional information relating to this matter is required, please contact the undersigned at the phone number listed below.

Respectfully requested,

  
Daniel R. Alexander  
Attorney for Applicants

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